

**REMARKS**

The Examiner has found that the application contains claims directed to the following patentably distinct inventions of the claimed invention:

Group I - Claims 1, 2, 4-8, 17-22 and 24-28, drawn to a method comprising: detecting an error; calculating a raw bit error rate; and, based on the residual error probability, retransmitting a first type of messages and shortening a length of the first type of messages, without at least one of retransmitting and shortening the length of a second type of messages, classified in class 714, subclass 748.

Group II - Claims 37-44, drawn to a medium comprising: a first segment for detecting an error; a second segment for calculating a bit error rate; a third segment for correlating an undetected error probability in response to the detected error rate; and a fourth segment for executing a corrective action to improve message transmission throughout the network, the execution being activated in response to the undetected error probability and the change of state of the I/O module, and wherein the corrective action comprises regularly executing the corrective action on all of at least a first type of the messages, without executing the corrective action on another a second type of the messages, classified in class 714, subclass 774.

Although Applicants traverse the Examiner's restriction requirement, Applicants hereby elect to pursue the claims of Group I. Specifically, the claims directed to the species of Group I as identified by the Examiner include claims 1, 2, 4-8, 17-22, and 24-28. Applicants make said election without prejudice to their rights to later pursue any additional claims, whether or not previously presented. If the Examiner decides to make the restriction final, Applicants request that the remaining claims 37-44 be withdrawn without prejudice to reinstate.

**CONCLUSION**

The Examiner is requested to contact the undersigned if the Examiner has any questions concerning this Reply or if it will expedite the progress of this application.

Respectfully submitted,

Date: October 11, 2005

By: Richard C. Himelhoch

Richard C. Himelhoch, Reg. No. 35,544  
WALLENSTEIN WAGNER & ROCKEY, LTD.  
311 South Wacker Drive, 53<sup>rd</sup> Floor  
Chicago, Illinois 60606-6630  
312-554-3300  
Attorneys for Applicants

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON OCTOBER 11, 2005.

Lynn A. Lieberghn/232727